

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 6 1997

JAMES R. LARSEN, CLERK
YAKIMA DEPUTY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

BENEDICTO RAMIREZ-SANCHEZ,
aka: Raul Gomez,
Defendant.

NO. CR-97-051-WFN

ORDER REGARDING DISCOVERY
AND PRETRIAL MOTIONS

OPEN FILE DISCOVERY

It is the practice of the United States, at the time of arraignment, to deliver to the defendant all investigative material the United States has in its file, material required by the Federal Rules of Criminal Procedure, and specifically including police and incident reports. The United States shall continue to furnish discovery as received and complete the process within thirty days of arraignment. This policy assumes a defense request for discovery pursuant to Fed. R. Crim. P. 16, and imposes a reciprocal duty to provide discovery. If a defendant does not wish to invoke the rule, the defendant shall file a notice, prior to accepting discovery from the government.

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NOTICE OF NON-DISCOVERY

If the United States, for any reason, is not going to voluntarily provide all investigative material, it will serve and file a notice to that effect within five (5) days of arraignment, except as to discovery later received that is not going to be voluntarily furnished. In that case, a notice shall be filed and served within five (5) days of the United States' receipt of such material.

DEFENSE MOTIONS

If the United States serves and files the five-day notice of non-disclosure, defendant shall file discovery motions within ten (10) days thereafter. Except as earlier provided, and to prevent manifest injustice, defendant shall have thirty days from arraignment to file other motions.

SCHEDULING MOTIONS

Responses to motions shall be filed and served no later than five (5) days, excluding weekends and holidays, from receipt of motions. Replies, if any, shall be filed within five (5) days, excluding weekends and holidays, of receipt of responses. Motions shall be noted for hearing with or without oral argument, pursuant to local rules. Unless shortened by the court, upon motion and good cause shown, oral argument should be noted for the time of the pretrial conference, provided this schedule permits all briefing to occur within the time frame set forth in LR 7, Local Rules for the Eastern District of Washington.

NOTICE OF CONFLICT OF INTEREST

Counsel is reminded that the court views with concern the representation by one lawyer, or by different members of one law

1 firm, of two or more defendants charged under the same instrument or
2 charged with factually related offenses. The likelihood of
3 conflicts of interest is so great, that this will be permitted only
4 on a showing that no conflict can exist, or on a knowing waiver,
5 executed in open court before a federal district judge.

6 Counsel who plan to represent two or more defendants charged
7 under the same instrument, or charged with factually related
8 offenses, shall immediately file a motion to secure prior approval
9 of such representation by the federal district judge to whom this
10 case is assigned.

11 IT IS SO ORDERED.

12 Dated this 6th day of March, 1997.

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15 LONNY R. SUKO
16 UNITED STATES MAGISTRATE JUDGE
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